

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Patrick Merrill

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
Murray L. Greenfield & Associates  
9636 Bustleton Avenue, Philadelphia, PA 19115  
215-677-5300**DEFENDANTS**

Jeffrey L. Straight &amp; Cole Freight Line LLC

County of Residence of First Listed Defendant Mahoning  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	310 Airplane	365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	370 Other Fraud	820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	340 Marine Product Liability	371 Truth in Lending	830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	380 Other Personal Property Damage	835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<b>PERSONAL PROPERTY</b>	385 Property Damage Product Liability	840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	350 Motor Vehicle	710 Fair Labor Standards Act	880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	355 Motor Vehicle Product Liability	720 Labor/Management Relations	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	360 Other Personal Injury	740 Railway Labor Act	861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise	362 Personal Injury - Medical Malpractice	751 Family and Medical Leave Act	862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	790 Other Labor Litigation	863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	440 Other Civil Rights	791 Employee Retirement Income Security Act	864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	441 Voting	<b>IMMIGRATION</b>	865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	442 Employment	462 Naturalization Application	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	443 Housing/ Accommodations	465 Other Immigration Actions	870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	445 Amer. w/Disabilities - Employment		871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	446 Amer. w/Disabilities - Other			<input type="checkbox"/> 950 Constitutionality of State Statutes
	448 Education			

**V. ORIGIN** (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1332Brief description of cause:  
Motor vehicle

<b>VII. CAUSE OF ACTION</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	<b>DEMAND \$</b>	CHECK YES only if demanded in complaint:
		Excess of \$75,000	<b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>VIII. RELATED CASE(S) IF ANY</b>	(See instructions):	JUDGE	DOCKET NUMBER _____
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DATE	9/20/22	SIGNATURE OF ATTORNEY OF RECORD
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FOR OFFICE USE ONLY	RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 8111 Castor Avenue, Apt 1 Basement, Philadelphia, PA 19152

Address of Defendant: 3679 Stauton Drive, Youngstown, OH 44505

Place of Accident, Incident or Transaction: Philadelphia County, Pennsylvania

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes  No

I certify that, to my knowledge, the within case  is /  is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/20/2022

Must sign here

38103

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

## CIVIL: (Place a √ in one category only)

## A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): \_\_\_\_\_
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Murray L. Greenfield, counsel of record or pro se plaintiff, do hereby certify:

 Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs: Relief other than monetary damages is sought.

DATE: 09/20/2022

38103

Sign here if applicable

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MURRAY L. GREENFIELD & ASSOCIATES  
By: Murray L. Greenfield, Esquire  
Attorney Identification No. 38103  
9636 Bustleton Avenue  
Philadelphia, PA 19115  
215-677-5300  
[murraygreenfield@verizon.net](mailto:murraygreenfield@verizon.net)

Attorneys for Plaintiff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK MERRILL	:	
8111 CASTOR AVENUE	:	
APT. 1 BASEMENT	:	CIVIL ACTION
PHILADELPHIA, PA 19152	:	
	:	
	:	
vs.	:	No. 22-3744
	:	
JEFFREY L. STRAIGHT	:	
3679 STAUNTON DRIVE	:	JURY TRIAL DEMANDED
YOUNGSTOWN, OH 44505	:	
and	:	
COLE FREIGHT LINE LLC	:	
42560 BUCKEYE ROAD	:	
LISBON OH 44432	:	

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**COMPLAINT - CIVIL ACTION  
TORTS – 350  
MOTOR VEHICLE**

The Plaintiff, Patrick Merrill, by and through his counsel, Murray L. Greenfield & Associates, hereby files this Complaint and in support thereof avers as follows:

**NATURE OF ACTION**

1. The Plaintiff, Patrick Merrill, brings this action to recover monetary damages as a result of a motor vehicle accident.

**PARTIES**

2. Plaintiff, Patrick Merrill, is an adult individual residing at the above-captioned address.

3. Defendant, Jeffrey L. Straight is an adult individual residing at the above-captioned address.

4. Defendant, Cole Freight Line LLC is an organization duly organized and existing under and by virtue of the laws of the State of Ohio with registered offices located at the above-captioned address.

### **JURISDICTION**

5. The Court's jurisdiction is founded on 28 U.S.C. § 1332 (a)(1). Venue is in the Eastern District of Pennsylvania under 28 U.S.C. § 1391 (a)(1).

### **GENERAL ALLEGATIONS**

6. On or about May 5, 2021, Plaintiff, Patrick Merrill was a restrained driver of a Lyft vehicle, transporting two passengers and traveling in the left lane of I-76 when a tractor trailer/18 wheeler, owned by Defendant, Colt Freight Line LLC and operated by Defendant, Jeffrey L. Straight, rear-ended Plaintiff's vehicle causing a severe collision. Said collision caused injuries and damages to Plaintiff as hereinafter set forth.

### **COUNT I** **PATRICK MERRILL V. JEFFREY L. STRAIGHT**

7. Plaintiff hereby incorporates by reference paragraphs 1 through 6 as though the same were fully set forth herein at length.

8. The negligence of the Defendant, Jeffrey L. Straight consisted, *inter alia*, of the following:

- a. operating a motor vehicle without having the motor vehicle under control;
- b. being inattentive to the condition of the traffic at the point aforesaid;

- c. operating a motor vehicle without being able to bring it to a stop within the assured clear distance ahead;
- d. operating a motor vehicle at an excessive rate of speed under the circumstances;
- e. violating various state statutes relative to the proper and safe operation of motor vehicles; and
- f. being otherwise careless, reckless and negligent as the consequences and discovery may disclose.

9. As a result of the accident, as aforementioned, the Plaintiff, Patrick Merrill sustained various injuries to his body, including but not limited to, right knee meniscal tear requiring two injections and surgery, concussion, cervical disc herniations at C2-3, C3-4, C4-5, C5-6 and C6-7, bilateral radiculopathy in the cervical spine, cervical, thoracic and lumbar sprain and strain and headaches, the extent of which is not yet known, which injuries have prevented him, and may continue to prevent him, from attending to his daily and usual duties and occupations; all of which injuries and conditions are, or may be, permanent in nature.

10. As a result of the negligence of the Defendant, as aforesaid, Plaintiff has undergone and endured great physical pain, suffering and mental anguish and will continue to endure great physical pain, suffering and mental anguish for an indefinite time in the future to his great detriment and loss.

11. As a further result of the accident, as aforementioned, Plaintiff has been obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses for the injuries he has sustained.

12. The treatment of Plaintiff includes, but is not limited to, the following:

- a. Dr. Mark Brown  
1306 Cottman Avenue  
Philadelphia, PA 19111
- b. Pennsylvania Hospital  
800 Spruce Street  
Philadelphia, PA 19107
- c. Northeast Open MRI  
9815 Roosevelt Boulevard  
Suite K  
Philadelphia, PA 19114
- d. Penn Presbyterian Medical Center  
Penn Medicine  
51 N. 39<sup>th</sup> Street  
Philadelphia, PA 19104
- e. Dr. Gwo-Chin Lee  
3737 Market Street  
8<sup>th</sup> Floor  
Philadelphia, PA 19104
- f. Dr. Stacey Trooskin  
1233 Locust Street  
4<sup>th</sup> Floor  
Philadelphia, PA 19107

13. As a further result of the accident aforesaid, Plaintiff has sustained a medically determinable physical and/or mental impairment which prevents Plaintiff from performing all or substantially all of the material acts which constitute his usual and daily activities and which continues to his great detriment and loss.

14. As a further result of the accident, Plaintiff has suffered loss of his earnings, and may continue to suffer from a permanent impairment of his earning power and capacity.

15. As a result of his injuries, Plaintiff may hereinafter incur other medical expenses which exceed sums recoverable under Pa. C.S.A. § 1711.

16. As a further result of the accident, there exists health insurance lien with the Department of Human Services which to date totals \$5,167.12.

WHEREFORE, Plaintiff, Patrick Merrill demands judgment in his favor and against Defendant, Jeffrey L. Straight in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00) plus costs and interests.

**COUNT II**  
**PATRICK MERRILL V. COLE FREIGHT LINE LLC**

17. Plaintiff hereby incorporates by reference paragraphs 1 through 16 as though the same were fully set forth herein at length.

18. The negligence of the Defendant, Cole Freight Line LLC consisted, *inter alia*, of allowing Defendant, Jeffrey L. Straight to do the following:

- a. operating a motor vehicle without having the motor vehicle under control;
- b. being inattentive to the condition of the traffic at the point aforesaid;
- c. operating a motor vehicle without being able to bring it to a stop within the assured clear distance ahead;
- d. operating a motor vehicle at an excessive rate of speed under the circumstances;
- e. violating various state statutes relative to the proper and safe operation of motor vehicles; and
- f. being otherwise careless, reckless and negligent as the consequences and discovery may disclose.

19. As a result of the accident, as aforementioned, the Plaintiff, Patrick Merrill sustained various injuries to his body, including but not limited to, right knee meniscal tear requiring two injections and surgery, concussion, cervical disc herniation at C2-3, C3-4, C4-5,

C5-6 and C6-7, bilateral radiculopathy in the cervical spine, cervical, thoracic and lumbar sprain and strain and headaches, the extent of which is not yet known, which injuries have prevented him, and may continue to prevent him, from attending to his daily and usual duties and occupations; all of which injuries and conditions are, or may be, permanent in nature.

20. As a result of the negligence of the Defendant, as aforesaid, Plaintiff has undergone and endured great physical pain, suffering and mental anguish and will continue to endure great physical pain, suffering and mental anguish for an indefinite time in the future to his great detriment and loss.

21. As a further result of the accident, as aforementioned, Plaintiff has been obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses for the injuries he has sustained.

22. The treatment of Plaintiff includes, but is not limited to, the following:

- a. Dr. Mark Brown  
1306 Cottman Avenue  
Philadelphia, PA 19111
- b. Pennsylvania Hospital  
800 Spruce Street  
Philadelphia, PA 19107
- c. Northeast Open MRI  
9815 Roosevelt Boulevard  
Suite K  
Philadelphia, PA 19114
- d. Penn Presbyterian Medical Center  
Penn Medicine  
51 N. 39<sup>th</sup> Street  
Philadelphia, PA 19104
- e. Dr. Gwo-Chin Lee  
3737 Market Street  
8<sup>th</sup> Floor  
Philadelphia, PA 19104

f. Dr. Stacey Trooskin  
1233 Locust Street  
4<sup>th</sup> Floor  
Philadelphia, PA 19107

23. As a further result of the accident aforesaid, Plaintiff has sustained a medically determinable physical and/or mental impairment which prevents Plaintiff from performing all or substantially all of the material acts which constitute his usual and daily activities and which continues to his great detriment and loss.

24. As a further result of the accident, Plaintiff has suffered loss of his earnings, and may continue to suffer from a permanent impairment of his earning power and capacity.

25. As a result of his injuries, Plaintiff may hereinafter incur other medical expenses which exceed sums recoverable under Pa. C.S.A. § 1711.

26. As a further result of the accident, there exists health insurance lien with the Department of Human Services which to date totals \$5,167.12.

WHEREFORE, Plaintiff, Patrick Merrill demands judgment in his favor and against Defendant, Cole Freight Line LLC in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00) plus costs and interests.

MURRAY L. GREENFIELD & ASSOCIATES

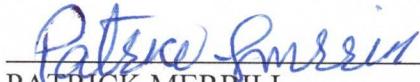
Date: 9/19/22



MURRAY L. GREENFIELD, ESQUIRE

VERIFICATION

I, Patrick Merrill, verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of F.R.C.P. 11(b) relating to unsworn falsification to authorities.

  
PATRICK MERRILL

Date: 19-09-22